

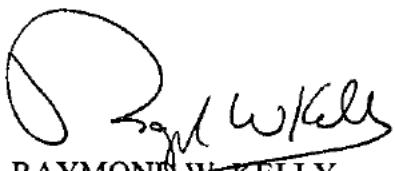


POLICE DEPARTMENT

-----X-----
In the Matter of the Disciplinary Proceedings :
- against - : FINAL
Police Officer Deborah Ulloa : ORDER
Tax Registry No. 929094 : OF
Housing Borough Brooklyn : DISMISSAL
-----X-----

Police Officer Deborah Ulloa, Tax Registry No. 929094, Shield No. 7672, Social Security No. ending in [REDACTED] having been served with written notice, has been tried on written Charges and Specifications numbered 82386/06, as set forth on form P.D. 468-121, dated November 20, 2006, and after a review of the entire record, has been found Guilty of Specification Nos. 1 and 4; having pleaded Guilty to Specification Nos. 2, 3, 6, 7, 8, 9, and 10, has been found Guilty of those Specifications; and Specification No. 5 is dismissed.

Now therefore, pursuant to the powers vested in me by Section 14-115 of the Administrative Code of the City of New York, I hereby DISMISS Police Officer Deborah Ulloa from the Police Service of the City of New York.



RAYMOND W. KELLY
POLICE COMMISSIONER

EFFECTIVE: November 10, 2008

COURTESY • PROFESSIONALISM • RESPECT



POLICE DEPARTMENT

In the Matter of the Charges and Specifications : Case No. 82386/06

- against -

Police Officer Deborah Ulloa

Tax Registry No. 929094

Housing Borough Brooklyn

At: Police Headquarters
One Police Plaza
New York, New York 10038

Before: Honorable David S. Weisel
Assistant Deputy Commissioner - Trials

APPEARANCE:

For the Department: **David Green, Esq.**
Department Advocate's Office
One Police Plaza
New York, New York 10038

For the Respondent: Michael Martinez, Esq.
Worth, Longworth & London, LLP
111 John Street – Suite 640
New York, New York 10038

To:

HONORABLE RAYMOND W. KELLY
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NEW YORK 10038

The above-named member of the Department appeared before me on April 8, 2008, charged with the following:

1. Said Police Officer Deborah Ulloa, while assigned to the 7th Precinct, on or about and between July 7, 2004 and June 25, 2005, did knowingly associate with a person reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities, in that said Police Officer lived with and financially supported an individual known to the Department who had been convicted of one or more felonies, and who was on parole for said conviction.

P.G. 203-10, Page 1, Paragraph 2(c) -- PUBLIC CONTACT – PROHIBITED CONDUCT – GENERAL REGULATIONS

2. Said Police Officer Deborah Ulloa, while assigned to the 7th Precinct, on or about and between May 27, 2005 and May 30, 2005, did engage in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Police Officer wrongfully reported to the Department “regular sick” on May 27, 2005 with “flu-like” symptoms and did not report to work when, in fact, said Police Officer was not sick or otherwise unable to perform her duty.

P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT – PROHIBITED CONDUCT GENERAL REGULATIONS

P.G. 205-01, Page 1 – REPORTING SICK - PERSONNEL MATTERS

3. Said Police Officer Deborah Ulloa, while assigned to the 7th Precinct, on or about and between May 27, 2005 and May 30, 2005, was wrongfully and without just cause absent from said Police Officer’s residence without the permission or said Police Officer’s District Surgeon or Health Services Division Sick Desk Supervisor.

P.G. 205-01, Page 2, Paragraph 4 – REPORTING SICK - PERSONNEL MATTERS

4. Said Police Officer Deborah Ulloa, while assigned to the 7th Precinct, on or about and between May 27, 2005 and May 30, 2005, at or about a residential property known to the Department in [REDACTED] New York, did fail and neglect to properly safeguard her service firearm, to wit, a 9mm Glock, in that said Police Officer allowed her sixteen-year-old son and the father of her boyfriend to hold and to fire said firearm.

P.G. 204-08, Page 2, Paragraph 7 – FIREARMS – GENERAL REGULATIONS
UNIFORMS AND EQUIPMENT

5. Said Police Officer Deborah Ulloa, while assigned to the 7th Precinct, on several occasions between about July 2004 through June 2005, while on duty, did wrongfully and without just cause absent herself from her assigned post or sector with the confines of the 7th

Precinct to conduct personal business, without permission or police necessity.

**P.G. 203-05, Page 1, Paragraphs 1 and 2 – PERFORMANCE ON DUTY – GENERAL
GENERAL REGULATIONS**

6. Said Police Officer Deborah Ulloa, while assigned to the 7th Precinct, between about January 2005 and about June 5, 2005, did wrongfully and without just cause utilize one or more Department computers to make inquiries unrelated to the official business of the Department or the City of New York, in that said Police Officer made unauthorized inquiries related to an individual she was living with or dating on the Department's FINEST or other computer system.

**P.G. 203-06, Page 1, Paragraph 15 – PERFORMANCE ON DUTY – PROHIBITED
CONDUCT**

**P.G. 219-14, Page 1, Paragraph 2 – DEPARTMENT COMPUTER SYSTEMS
DEPARTMENT PROPERTY**

7. Said Police Officer Deborah Ulloa, while assigned to the 7th Precinct, in or about May 2003, with intent to obtain a benefit or deprive another person of a benefit, committed acts relating to her office but constituting an unauthorized exercise of her official functions, knowing that such acts were unauthorized, did wrongfully request or cause the unauthorized disposal or destruction of parking summonses written to a vehicle belonging to a friend or neighbor of said Police Officer.

**P.G. 203-10, Page 1, Paragraph 5 – PERFORMANCE ON DUTY – PROHIBITED
CONDUCT – GENERAL REGULATIONS**

N.Y.S. Penal Law Section 195.00 "Official misconduct"

8. Said Police Officer Deborah Ulloa, while assigned to the 7th Precinct, in or about January 2004, with intent to obtain a benefit or deprive another person of a benefit, committed acts relating to her office but constituting an unauthorized exercise of her official functions, knowing that such acts were unauthorized, did wrongfully request or cause the unauthorized disposal or destruction of parking summonses written to a vehicle belonging to an employee of the Sanitation Department.

**P.G. 203-10, Page 1, Paragraph 5 – PERFORMANCE ON DUTY – PROHIBITED
CONDUCT – GENERAL REGULATIONS**

N.Y.S. Penal Law Section 195.00 "Official misconduct"

9. Said Police Officer Deborah Ulloa, while assigned to the 7th Precinct, on or about four occasions between about 2005 and May 2006, with intent to obtain a benefit or deprive another person of a benefit, committed acts relating to her office but constituting an unauthorized exercise of her official functions, knowing that such acts were unauthorized, did wrongfully

request or cause the unauthorized disposal or destruction of parking summonses written to a vehicle belonging to the father of a friend of said Police Officer.

P.G. 203-10, Page 1, Paragraph 5 – PERFORMANCE ON DUTY – PROHIBITED CONDUCT – GENERAL REGULATIONS

N.Y.S. Penal Law Section 195.00 “Official misconduct”

10. Said Police Officer Deborah Ulloa, while assigned to the 7th Precinct, in or about September 2005, with intent to obtain a benefit or deprive another person of a benefit, committed acts relating to her office but constituting an unauthorized exercise of her official functions, knowing that such acts were unauthorized, did wrongfully request or cause the unauthorized disposal or destruction of parking summonses written to a vehicle belonging to a friend of said Police Officer.

P.G. 203-10, Page 1, Paragraph 5 – PERFORMANCE ON DUTY – PROHIBITED CONDUCT – GENERAL REGULATIONS

N.Y.S. Penal Law Section 195.00 “Official misconduct”

The Department was represented by David Green, Esq., Department Advocate’s Office, and the Respondent was represented by Michael Martinez, Esq.

The Respondent, through her counsel, entered a plea of Not Guilty to Specifications 1, 4, and 5. The Respondent, through her counsel, pleaded Guilty to Specifications 2, 3, 6, 7, 8, 9, and 10 and testified in mitigation of the penalty. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner’s review.

DECISION

The Respondent is found Guilty of Specifications 1 and 4. Having pleaded Guilty to Specifications 2, 3, 6, 7, 8, 9, and 10, the Respondent is found Guilty of those Specifications. Specification 5 is Dismissed.

SUMMARY OF EVIDENCE PRESENTEDThe Department's Case

The Department called Lieutenant Maria Codd-Perez as its witness. The Department also placed in evidence tapes and transcripts of the official Department interviews of the Respondent held on November 14, 2006 (Department's Exhibits [DX] 1 and 1a are the tape and transcript, respectively), and November 15, 2006 (DX-2, DX-3, and DX-4 are the tapes while DX-2a and DX-4a are the transcripts). DX-5, a copy of the Criminal Court complaint against [REDACTED] and the supporting deposition signed by the Respondent, was also entered into evidence. The Department also placed in evidence a tape (DX-6) and transcript (DX-6a) of the telephone interview of [REDACTED]

Lieutenant Maria Codd-Perez

Codd-Perez was assigned to the Internal Affairs Bureau. She testified that she was assigned a case involving the Respondent around July or August of 2006. She stated that the main allegation was criminal association, but there were quite a few other allegations, including association with a narcotics dealer and a narcotics user.

Codd-Perez testified that the allegations came to the Department through letters written by [REDACTED]. She estimated that [REDACTED] wrote three or four letters. She stated that some of the letters were addressed to Captain Beaudette while others were addressed to the Police Commissioner. She added that one letter was through the Civilian Complaint Review Board.

[REDACTED] did not always sign the letters. Codd-Perez testified that when [REDACTED] did not sign the letter, he signed off as "Anonymous," "Cat Woman," or "Concerned Citizen." She stated that [REDACTED] only admitted to having written the letters he had signed. However, she believed he

wrote all of them because when she looked at the way he wrote certain things, like the letter "f" and certain phrases, she connected the letters back to him. She explained that [REDACTED] spelled Manhattan "M-A-N-H-A-T-T-E-N." She said that considering the way the letters were written, it appeared that all of them had come from [REDACTED]. She added that the allegations were almost identical in each of the letters. She said that all of the allegations involved the Respondent, and believed that [REDACTED] had written the letters while in Rikers Island.

Codd-Perez stated that she interviewed [REDACTED] around August of 2006 (see DX-6, tape of phone interview; DX-6a, transcript as aid to Court).

INTERVIEW OF [REDACTED]

[REDACTED] told Codd-Perez that he was introduced to the Respondent by family members. She lived in the same building as his mother. He said that they met at the beginning of July (2004), a couple of days after he had gotten out of prison. He stated that the Respondent knew that he had been in prison because her daughter hung out with his little sister and they were best friends. [REDACTED] agreed that someone specifically told her he had been incarcerated; "everybody, my mother, my sister, my brother, I did." He specifically told the Respondent "straight up" that he was on parole, she knew he was on parole, and she even told him that she would give up her job if she had to. [REDACTED] stated that the Respondent's family did not like him in the beginning because he was an "ex-con." He said that everybody knew he was a former convict and knew "from day one" that he had just come home from jail.

[REDACTED] stated that his last incarceration was for drugs. He was not in a program at the time of the interview. He denied using drugs while he was with the Respondent, saying it was towards the end, "after everything started going downhill." He estimated that was about 2005, after he and she lived together for a year until the day he was arrested. He testified that he was put on pain medication towards the end of the relationship as a result of an accident. He was on "codeine threes," which led him to pick up heroin. He denied that he was using anything at the time of the interview. He noted

that taking the codeine made him relapse after nearly five years of being "clean." He stated that "they" knew his history when "they" gave him codeine.

[REDACTED] stated that the Respondent supported him initially when they were living together because she knew he was on parole and that it was hard for him to get a job. He said that the Respondent gave him credit cards, including a Gap card, and supported him "all the way around the board." [REDACTED] said that the Respondent also used to rent cars for him to use, and opened Nextel phone accounts in their names. He stated that he contributed too because he was working on and off, but estimated that a dollar value on how much the Respondent supported him would be between \$1,000 to \$2,000 dollars. She also claimed him on her tax returns. [REDACTED] denied that the Respondent took care of him for the whole relationship, and estimated it was for a month or a month and a half at the most. He stated that he was working though he was at different jobs. He said that he had been separated from his wife for ten years and had two children.

[REDACTED] said that his sister [REDACTED],¹ the Respondent's daughter [REDACTED], [REDACTED]'s boyfriend, and "all of them . . . everybody else that hung out in the front" got high. He stated that when the Respondent came home she would go in her room and they would all leave and she would "never say nothing" even though they were "smoking pot and all kind of shit." He said that when she walked in the apartment one could smell the marijuana and "they" would run out the door.

[REDACTED] first denied, then admitted that he had been a Latin King. He stated that he had tattoos all over his body, including lions.

[REDACTED] testified that they went to his father's place at [REDACTED] (in upstate New York) a few times and that the Respondent knew his father well. He stated that she was considered part of the family and was basically considered his wife. He said that she wanted to marry him and "all that, have a kid from [him] and everything." [REDACTED] stated that he, the Respondent's son [REDACTED] and the Respondent brought a firearm up to [REDACTED] [REDACTED] and shot the gun.

[REDACTED] agreed that he made several complaints against the Respondent because "they" made complaints about him. He stated that he was at the San Gennaro festival in

¹ [REDACTED] and [REDACTED] had different biological fathers. For purposes of simplicity, they will be referred to here as brother and sister.

2005 with a couple of his other family members and “they” called him, stating that “the police and the detectives and the emergency unit” were in his mother’s building looking for him because “they” said he was standing in front of the Respondent’s door with a gun.

[REDACTED] testified that the Respondent dated almost everybody in the precinct. He stated that she confided in him when they first got together and told him everything, including that she used to have sex in police cars and the stationhouse. He said the Respondent knew that her partner, Sonia, used to cover up for her. He stated that all of the Hispanic women in the 7 Precinct were “down together” and used to go to a bar called “218,” a “cop bar” that her cousin ran.

[REDACTED] testified that the Respondent had “all her little friends,” her detective friends that she dated and had sexual relationships with. He alleged that she gave him herpes. He denied that he was only relying on what she told him regarding the sexual-relations claims, but stated he heard her having a conversation on the phone with two or three people. [REDACTED] said he and the Respondent had a relationship where it was a little open in the beginning, and they were seeing other people until it “shut down.”

[REDACTED] denied knowing anything about 911 calls made to [REDACTED] in September and October of 2005. He further denied knowing why someone would make a number of calls there, but added that somebody called and falsely said he was there. He said that someone called the Respondent and made accusations about him over the phone when their relationship was still good but had just started to get “a little shaky.” He stated that someone called her cell phone and was “dirtying her mind.” [REDACTED] said that the individual told the Respondent that her “man” was over there, “it’s drug-infected,” and that he was a gang member. He stated that he and the Respondent were together “24-7,” and were in constant contact even while she was at work. He stated that the Respondent recorded the calls and used to play them for him. [REDACTED] said that there were a lot of people who were jealous that he and the Respondent were together. When asked who, he replied “almost everybody on the block” because the Respondent was “promiscuous” and “easy,” so a lot of men wanted her. He estimated that she received two or three calls. He stated it occurred towards the end of their relationship, around February, March, April, or June of 2005.

█████ said that the Respondent used to go see him in a squad car while she was on duty and would stay as long as he kept her. He estimated that she would stay for twenty minutes or longer, depending on what they did. He stated that sometimes the Respondent would say she was on her lunch break, but he knew better because he knew her whole schedule. He said he used to walk her to and from work every day for the whole year but when "stuff went sour," the Respondent turned around and said that he was stalking her. He stated that he used to pick her up in front of "the job."

█████ stated that he and the Respondent used to shoplift "all the time for fun." He said that once, they were in a drugstore and the Respondent was in uniform and ended up "putting shit in her pocket," including lipstick and eyeliner. He testified that the Respondent and her partner, Sonia, used to go shopping while they were on duty to Pathmark on Pike Street and then the Respondent would go home to drop the stuff off and she used to say, "Oh, look what I took, ooh, I took this, I took that." █████ admitted that he was not saying the Respondent shoplifted everything – she also brought home diapers and "milk for the baby" – but that she would steal one or two items and put them in her purse.

█████ stated that the Respondent would get the "smooth jobs" at City Hall because she used to date the person there who gave out assignments. He noted that she dated everybody in "the Detective Squad" and almost everybody in the 7 Precinct and they had a nickname for her. He added that they used to "pass her around."

█████ stated that the Respondent witnessed his accident. He said that he had just come back from shopping and was taking groceries up to his mother's apartment when he slipped and fell, the rubber piece of the stair fell off, and he "went flying down the stairs." He broke a rib, and the "marriage ring finger" on his left hand "stood closed" and needed an operation to fix it. He said he asked her if she was going to testify and she told him she would not testify unless he gave her half the money. He stated that he asked her why he had to give her half and asked if she was not going to tell the truth. She said he needed to give her a certain amount because she needed \$30,000 or more to get out of her student loan and other needs. He noted that she was taking money out from her annuity and her insurance, had already claimed bankruptcy once, and was going to do it again. █████ estimated her debt at over \$20,000.

█████ testified that the Respondent supported him initially and gave him access to her bank account and PIN, and sent him to Citibank everyday. He said that after the relationship went sour, she told his family that he took \$1,000 from the bank. He testified that she just said that because she was angry and wanted to get back at him.

█████ stated that his old parole officer, Martinez, knew about the relationship. He said that Martinez had seen █████ and the Respondent together outside but never inside the apartment. He stated that Martinez would never go upstairs to the sixth floor as █████ was supposed to be living downstairs on the third floor with his mother. He stated that when Martinez came to visit, he would go to the third floor and they would call █████ and he would go down. █████ said that he used to go see his parole officer Martinez every two weeks, but the Respondent never went with him. He testified that he told Martinez about the Respondent, and Martinez said █████ was doing well and it looked like the Respondent was good for him, so everything was good as long as he stayed out of trouble and did not get arrested.

█████ claimed that Martinez knew he was dating a cop because he told him. He said Martinez told him he did not "want to know nothing." He noted that when "they picked him up for" the Order of Protection (OOP), Martinez did not violate him because he knew about the relationship. █████ said he told Martinez that he and the Respondent were breaking up and she might try to call and have him violated. He denied that Martinez violated him and said he received a violation after he "plea bargained to the Order of Protection," which he did because he did not want to be locked up the whole summer.

█████ testified that the Respondent threatened to have him locked up because she attacked him in a closet in his mother's apartment. He stated that the Respondent accused him of having her and her children's birth certificates. He stated that she punched him and then his little brother "got in it and then me and my brother got into it" and "it exploded." He said that his mother was pushed to the side and was slightly hurt. He said that after everything was settled, he went upstairs with the Respondent and helped her look for the birth certificates and she found them in her safe.

█████ said that the Respondent was not giving █████ attention because she was "too busy chasing men." He stated that █████ hung out with a 27-year-old who

impregnated the 14- or 15-year-old girl, and the Respondent did nothing. He stated that the baby's father lived somewhere else, was in jail, and was a Latin King.

[REDACTED] testified that he and the Respondent used to go to a lot of places, like clubs, where they were not supposed to go. He stated that the Respondent had a list and knew clubs she was not supposed to be in, but didn't care. She said everybody in the precinct was "wrapped under her little finger."

[REDACTED] stated that after he and the Respondent broke up, she started seeing somebody from the 9 Precinct when [REDACTED] was still out and she saw the other man to rub it in [REDACTED]'s face. [REDACTED] said that the other man went to Rikers Island to pick [REDACTED] up just so that he could see who he was, and arrested him for petit larceny because [REDACTED] had pawned some items. He stated that the Respondent had claimed that he took the items without permission, including DVDs, "bullshit," and some jewelry which was his but the Respondent still had.

[REDACTED] testified that he traveled alone in a car with the Respondent's firearm. He stated that there were times she would forget her firearm at home and would ask him to bring it to her. He agreed that sometimes initially she used to keep her firearm at work but three or four months into the relationship she would bring it home.

[REDACTED] claimed that a few times, the Respondent stopped people but did not want to "make the bust" because she wanted to go home. He said the Respondent said she stopped a car with a "nickel bag of weed and . . . just took it and threw it on [the] floor and told them to get the fuck out of here," and gave them a summons because the Respondent wanted to go home and did not want to stay, do overtime, go to Central Booking, and "all the bullshit." [REDACTED] testified that the Respondent was a member of the Department only for the pension and the money.

[REDACTED] stated he and [REDACTED] were alright initially, and when he told her that he was going to date her mother and asked if she had a problem with that, she said she did not. He said that after a while, he told the Respondent that her daughter was only so old and she let [REDACTED] do too many things. He stated that he used to tell the Respondent who would "go into" [REDACTED]. He said that he told the Respondent that her daughter smoked weed and when she left her money she was only supporting [REDACTED]'s habit. He stated that [REDACTED] would "smoke, smoke, smoke, smoke, drink, drink, sniff, whatever, hang

out, hang out," and she came in at 4:00 a.m. or 5:00 a.m. and then spoke to her mother like the Respondent was the child and [REDACTED] was the grownup.

[REDACTED] said that he had the Respondent look up his name and one of his friend's names. He said that when the Respondent worked for the Commanding Officer she used to sometimes do it in the patrol car. He told the Respondent to check to see if his license was suspended. He stated that she ran it. [REDACTED] stated that the Respondent ran a few names, and that "they" used to bring her tickets to "squash." He testified that if they would get a summons from the Department or tickets from the 7 Precinct, they used to give them to her and she would "go in" and they were squashed.

[REDACTED] said that the Respondent would take him to [REDACTED] because her son attended school there, but [REDACTED] was the driver because the Respondent did not "really know how to drive." He said he asked her if she knew she was violating his parole by taking him out of New York State.

[REDACTED] agreed that he was arrested recently for shoplifting at Macy's, but claimed his case would be dismissed. He stated that he had been charged with robberies, drugs, home burglaries, and impersonating a police officer in the past.

Codd-Perez testified that she was able to corroborate several parts of [REDACTED]'s account.

The Respondent, during her official Department interview, stated that after she met [REDACTED] they began dating almost immediately. Codd-Perez further testified that the Respondent admitted that she and her son fired her weapon. The Respondent indicated that she supported [REDACTED] got him a Gap card and other sources of credit, got him a Nextel phone, claimed him as a dependent on her taxes, and gave him access to a PIN. Codd-Perez added that the Respondent acknowledged that she paid some of [REDACTED]'s child support at times.

Codd-Perez testified that [REDACTED] had stated that the Respondent's daughter, [REDACTED] smoked marijuana, and according to Administration for Children's Services (ACS) records, [REDACTED] admitted that she did occasionally smoke marijuana. She stated that [REDACTED] said at one point that the Respondent had affairs with people from the 7 Precinct. She testified that [REDACTED] knew that

one of the men, Eddie, had been transferred and had had problems with his wife, which, through Department records, she determined was, in fact, the case.

Codd-Perez stated that [REDACTED] said that the Respondent took care of summonses, which the Respondent confirmed during her interview. She testified that [REDACTED] stated that the Respondent did not like to drive, was not a good driver, and would rent cars for him, which the Respondent also said she did. Codd-Perez stated that during an interview, the Respondent's partner, Police Officer Sonia Corpse, said that the Respondent never drove because she did not like to drive and was not a good driver. She testified that [REDACTED] stated the Respondent was the CO's clerical when the CO was not in, which was true. She further testified that [REDACTED] stated that the Respondent would run names for him in the RMP. Codd-Perez stated that a review of Department computer records revealed that the Respondent ran [REDACTED]'s driver's license in a Mobile Digital Terminal ("MDT"), which Codd-Perez explained can show if a license is suspended for child support issues. She said that the Respondent stated that [REDACTED] asked her to run his name to check for child support, which she admitted she had done.

Codd-Perez testified that [REDACTED] also stated that the Respondent went shopping, brought him milk, diapers, and Snapple, and came home while on duty. She testified that when the Respondent was interviewed, she admitted to going home while she was on duty, not always on her meal time, and to shopping on duty, picking up milk, juice, diapers, and baby wipes.

Codd-Perez stated that [REDACTED] said he had a pending lawsuit and was going to get a sum of money. She testified that [REDACTED] stated that the Respondent asked him for \$30,000 when his lawsuit was settled because she had so many bills. She said the Respondent admitted to asking [REDACTED] for \$30,000, basing the amount on her annual salary because she supported him.

Codd-Perez said that the Respondent was asked during her interview when she first learned [REDACTED] had a criminal record. She stated that the Respondent said that when he was arrested, she had his background checked, and found out he had thirteen violent felonies.

Codd-Perez testified that the last two pages of DX-5, which contains the criminal complaint against [REDACTED] are a handwritten statement that the Respondent made when she filed the stalking complaint against [REDACTED]. In her statement, the Respondent said that after she and [REDACTED] broke up, he approached her in front of her building and insisted on walking her to work. As they did so, [REDACTED] told her "that he was not going back to jail & that he would take my life & his if he had to."

Codd-Perez testified that [REDACTED] and the Respondent met one week after he got out of jail and got together almost immediately. According to the Respondent's records, the Respondent and [REDACTED] were formally living together and had a domestic partnership that lasted about a year. She said that the Respondent had lived in the building for sixteen years, while [REDACTED]'s mother and family, possibly including his brother [REDACTED] and sister [REDACTED] had lived in the building for about eight years. Codd-Perez stated the Respondent said in her interview that she knew her neighbors intimately and they knew her intimately.

Codd-Perez said that the Respondent stated during her interviews that she was a "street lawyer," everybody in the neighborhood came to her for advice, and she knew what was going on in the neighborhood.

Codd-Perez testified that the Respondent stated in her interviews that she had a feeling that [REDACTED] was stealing from her because she noticed money missing from her accounts, \$20 here, and \$20 there. She further testified that the Respondent once paid \$500 towards a credit

card account, and a short time later the money was gone, and [REDACTED] had access to it. She stated the Respondent went upstate with [REDACTED] and let everyone else fire her weapon except him.

Codd-Perez stated that the Respondent admitted to running [REDACTED]'s name in the MDT for child support issues. Codd-Perez stated that the Respondent ran [REDACTED]'s driver's license ID number (known as the "client identification number"), and that one could determine whether a license was suspended by doing so. The Respondent told Codd-Perez that she had checked to see if [REDACTED] owed child support and had a suspended license for that reason. Codd-Perez believed that this license check would only tell if there was a suspended license, and not whether a person had a criminal record.

Codd-Perez stated that all the "credit things" the Respondent did for [REDACTED] led her to believe [REDACTED] could not get the credit himself so he needed the Respondent to do it. She said that during the Respondent's interview, she and the Respondent spoke about her supporting [REDACTED] and she said, "Well, he got a construction job right away," but Codd-Perez wondered, "Right away from what? What was he doing prior?"

Codd-Perez further testified that the Respondent had been intimate with [REDACTED] so she had seen a tattoo of his that said, "Death Before Dishonor." She stated that [REDACTED] had lion tattoos, which Codd-Perez alleged was a symbol of the Latin Kings. She added that [REDACTED] said the father of the Respondent's grandchild was a Latin King.

Codd-Perez stated that [REDACTED]'s mother, [REDACTED], also said that the Respondent knew [REDACTED] had been in prison.

Codd-Perez interviewed Martinez, the parole officer, who told Codd-Perez that he often made trips to the building to check on [REDACTED] but never went to the Respondent's apartment. Codd-Perez stated that Martinez always went to the other apartment on the third floor, while the

Respondent lived on the sixth floor. She testified that Martinez told her that [REDACTED] said he was dating a police officer, but admitted that Martinez never spoke to the Respondent.

Codd-Perez stated that the Respondent had [REDACTED] arrested. He was arrested later during the day on which the Respondent made the complaint. The Respondent informed her boss and stated, "This guy is threatening to kill me," and wrote a statement. The Respondent told Codd-Perez she broke up with [REDACTED] because she thought he was stealing.

Codd-Perez conceded that there were a lot of things about [REDACTED] that were completely incredible. Codd-Perez said that when she first read the case, she thought a lot of it was "garbage," but as she went deeper, as the Respondent was interviewed and she did more work, she realized that some of it was true while other things could not be proven.

One of the charges was that the Respondent wrongfully requested or caused the unauthorized disposal or destruction of a parking summons written to a vehicle belonging to an employee of the Sanitation Department. Codd-Perez thought she asked the Respondent whether she took care of any of her own summonses, and the Respondent mentioned the sanitation worker.

Codd-Perez agreed that [REDACTED] made many allegations against the Respondent. Codd-Perez said that it partially seemed he was "pissed off" because they broke up, and certain of his claims seemed outlandish, like when the Respondent supposedly watched as guns were transported from a building. She agreed that [REDACTED] was not in any known Latin King database.

Codd-Perez stated she was able to corroborate that the Respondent was like the "street lawyer" for her neighborhood, and everybody looked up to her for being a police officer and asked for advice. She stated one would know an individual is an Academy cadet because she has to carry "the big black bag."

Codd-Perez believed that [REDACTED] was in a halfway house for a time period, possibly Narco Freedom, Inc.

Codd-Perez testified that the Respondent admitted to stopping off at her house while working to drop off necessities for her children and grandson. The Respondent told her there were times she would get a call saying they were out of milk or juice for the baby, and she would stop at a store and drop milk, juice, diapers, and baby wipes off during her tour. Codd-Perez added that Corpes said she and the Respondent used to shop, go to the Respondent's apartment, and bring milk and diapers. She estimated the time frame provided by Corpes as the time [REDACTED] was a baby.

Codd-Perez admitted that the Respondent said she did not find out that her daughter [REDACTED] was pregnant until five months into the pregnancy, which the ACS information confirmed. Codd-Perez acknowledged that ACS had found that the Respondent had done nothing inappropriate. She thought their investigation had to do with the Respondent supposedly allowing a relationship between her 15-year-old daughter and a 25-year-old man.

Codd-Perez stated that the Respondent said she had not seen [REDACTED] and her friends smoke pot, but was out eight or nine hours a day, and did not know what went on when she was not there.

Codd-Perez estimated that the property in [REDACTED] County, which belonged to [REDACTED]'s father, was seven acres and contained a residence. She asked the New York State Police if it was legal for the Respondent to allow her sixteen-year old son to fire the weapon there. She learned it was not illegal for a person to fire a handgun on private property, as long as it was not within 500 feet of a residence. Originally, the local authorities told Codd-Perez that the person who fired the weapon had to have a permit. She added that she interpreted it as they

would not enforce the fact the Respondent allowed her sixteen-year old son to fire the weapon, as long as it was not within 500 feet of a residence and the safety procedures were in place. However, Codd-Perez noted that they did not expressly say it was "okay," but that they would not enforce it. She understood the advice she got as they would not take action if individuals were on private property and responsible.

Codd-Perez admitted that in terms of safeguarding a firearm, she did not know the exact distance the firearm has to be away from where anyone else can have access to it. In Codd-Perez's view, the Respondent was not being responsible because she gave the firearm to someone else to fire. She admitted that she was not sure whether the simple fact that someone else had fired the gun constituted a failure to safeguard under the relevant Patrol Guide section, 204-08 (7). Codd-Perez saw a problem with the Respondent giving the gun to a sixteen-year-old minor.

Codd-Perez stated that she thought the Respondent said her son fired a box of ammunition out of her service firearm that day. She testified that there are normally 50 rounds of ammunition in a box and added that [REDACTED] [REDACTED]'s father, also fired a box. According to the Respondent, [REDACTED] also took apart and cleaned her service firearm for her.

Codd-Perez did not go up to the property in [REDACTED]. She thought the closest residence was a Hasidic camp a half-mile down the road. She could not recall if the Respondent said she could see houses. The Respondent said they shot at some kind of paper target. Codd-Perez knew there were woods behind where they were shooting, but did not know whether the area where they actually shot was clear.

Codd-Perez stated that the Respondent's son [REDACTED] attended school in [REDACTED] or [REDACTED] but she was not sure which. She added that [REDACTED] "had some problems," but could not remember the exact problem.

Official Department Interview of the Respondent – November 14, 2006

The Respondent was interviewed by Codd-Perez and Sergeant Chen. The Respondent stated that [REDACTED]'s mother [REDACTED] lived in her building. She and [REDACTED] started dating, but she noticed several months into the relationship that some of her money was missing. She confronted him about it and knew "in [her] heart" it was him, though she could not prove it, and told him it was over. She said that from there, he stalked her, threatened her, and then things "really started to get ugly." She stated that [REDACTED]'s family lived in her building and [REDACTED] was living there, which was how they met, and they started dating. She noted that [REDACTED] also lived with the family in the apartment and [REDACTED] babysat her grandson, [REDACTED].

The Respondent stated that she met [REDACTED] during the summer of 2004. She said that [REDACTED]'s brother [REDACTED] introduced them and she specifically remembered saying, "I didn't know you had a brother." She noted that the family was large. She denied that they told her anything about him. She stated that she had lived at [REDACTED] for 16 years. She testified that [REDACTED] and [REDACTED] both "ha[d]" the apartment. She stated that her building was small, with two "people" per floor, and she knew that [REDACTED] moved in after she did, but claimed she was not sure how long they had been there. She added that her daughter [REDACTED] babysat [REDACTED]'s son.

The Respondent testified that [REDACTED] sporadically stayed with her because he lived in the building. She stated he would stay with her during the night, but during the day, he was "out the

door" when she went to work. She admitted that she opened credit card accounts and rented cars for him. She stated that during their relationship, after he lost his job, she supported him and even gave him money for child support. She said that he had two children and agreed that she claimed him as a dependent on her 2004 taxes, but not her 2005 taxes. She knew that she spent several thousand dollars supporting [REDACTED] but did not know the exact "value amount," She estimated \$30,000 because that was a year's salary.

The Respondent said that she witnessed an incident around January 2005 in which [REDACTED] sustained an injury. She stated that they were going down the stairs, and he fell and landed right on his hand. She said it did not bother him at that particular moment, but a few days later he was in excruciating pain. She said that he went to the hospital and then lost his job, and she supported him. She stated that she spoke to lawyers on his behalf, mostly over the phone. She stated that she told them he slipped on the steps. She testified that [REDACTED] said he was going to win the case and she thought it was fair that, since he was getting money, he pay her back the money he owed her. She stated that he refused, so she said, "Fine, then I'm just going to claim you because I did support you." She had no idea how much she spent supporting him, but said it included phone bills, food, and child support. She denied threatening to have him arrested if he did not pay her. She further denied telling [REDACTED] that she would lie for him regarding his lawsuit.

The Respondent stated that by June 25, 2005, she had received her income tax refund. She said that she put \$500 towards her credit cards in front of [REDACTED]. She testified that, at that point, she realized that she was missing \$20 here and there from her bank account, but she did not think anything of it. She stated that her checks bounced but she figured it was her fault, because she spent more than she earned. She said that she made phone calls in front of him and said, "I would like to put this certain amount of money towards my VISA." She claimed that she

did not carry her credit card with her, but left it in a folder by her desk, and [REDACTED] knew where it was. A month later she received the bill and realized that he withdrew money from her account, though she could not prove it. She stated she approached him and said, "Listen, . . . I know I didn't do it."

The Respondent said that after that incident, she told him he had to leave. She estimated that was two weeks before he was arrested and around the 10th or 11th of June. She stated that he threatened her at that point, saying "I'm not breaking up with you, I'm not going to leave you alone, you're not going to date anybody." She said she did not pay attention to [REDACTED] because she was not scared. However, she testified that "in [her] bones," she felt something was wrong, so she spoke to her lieutenant about it confidentially in front of the stationhouse. They were both in plain clothes. She said they were going to do something about it, but it was a Friday, so they would wait until Monday. She explained that they were going to make a report in the 9 Precinct and she wanted the lieutenant to go with her.

The Respondent testified that when she got home Friday night, "supposedly" [REDACTED] had told his brother's girlfriend that he had a gun and was going to kill the Respondent because he saw her talking to another man and, "you know, he wasn't having any of that." She stated that [REDACTED] told her that she was going away for the weekend and did not feel comfortable leaving the Respondent alone with [REDACTED] threatening her, and offered to take her back to the stationhouse. She testified that [REDACTED] took her in her car, and the Respondent told the lieutenant [REDACTED] had stalked her and knew exactly what she had been wearing when she spoke to the lieutenant. The Respondent stated that she told the lieutenant that she would be dead by Monday if no one helped her.

The Respondent admitted that she approached [REDACTED] and said, "What the hell is your problem? You just go your way and I'll go my way, things didn't work out, just leave it alone . . . you're going to make this worse. I don't want any problems." She noted that this was when the stalking began.

The Respondent estimated that she and [REDACTED] were together from the summer of 2004 into 2005, almost a year. She stated that he would stay in his mother's apartment.

The Respondent claimed that she did not find out [REDACTED] had been in jail until she went to the stationhouse and reported the stalking and larceny. She denied that [REDACTED], [REDACTED], [REDACTED], or any family member told her of [REDACTED]'s felony history. She admitted that she did not ask where [REDACTED] had been the last few years. She said they have such a large family that she did not ask where he was or what he was doing. She said that he had gotten a job "right away" in construction so she thought he was a good citizen who worked and gave out child support money, so she did not ask.

The Respondent acknowledged that she had seen [REDACTED]'s tattoos. She explained that they featured a face, animals, and names. She said that it was not uncommon to live in the Village and have tattoos. She admitted that she never asked the meaning of any of them, including the lion on his chest with "Death Before Dishonor." She stated that she did not know anything about the Latin Kings. She further denied knowing any Latin Kings or that [REDACTED] was a Latin King. She denied ever providing information, ammunition, or shelter to any gang members, including the Lost Boys motorcycle gang.

The Respondent stated that she had been working midnights when she found out, five months along, that her daughter [REDACTED] was pregnant. She testified that she did not associate with the father, [REDACTED] who was 25 years old. She knew he was dating [REDACTED], but

not that he was a Latin King. “[B]ut then again all these little punks on my block say they are, and they’re all wanna[bes].” She stated that she had known them since they were young and used to babysit them, as it was a small community.

The Respondent denied there was ever a time she observed her daughter smoking marijuana or smelled marijuana in their home. She said, however that there were people who smoked in the building and she had to shut the window because it smelled in her apartment. She stated that one could literally smell it in her living room, so she would shut the windows. She stated that her daughter and son were 19 and 17, and she knew they had friends over. She testified that her children said, “Ma, this is my friend, [REDACTED] We go to school together.” She said that, to her knowledge, she had never had any drug dealers “per se” in her apartment. She admitted that she did not know if “these little punks” used or possessed drugs.

The Respondent said that [REDACTED] the father of [REDACTED]’s child, was actually younger than 25, and [REDACTED] was 16. She stated that she explained to her daughter that it was rape, and testified that she told her daughter they had to fill out a police report. She noted, however, that she and her daughter did not “get along,” and the last thing she wanted was to have a further rift between them. She said that her daughter had a [REDACTED] and read at a third-grade level. She said that it was a family matter and she would handle it her way, which they did.

The Respondent claimed not to recall whether she ran [REDACTED]’s information on a Department computer, but recalled running [REDACTED]’s name because he told her he had child support issues, sent the payment, and wanted to make sure he was not listed as not paying child support. She agreed she used an MDT to make this search.

The Respondent agreed that she went home to her apartment while on duty. She stated that she would forget her cell phone, and noted that her apartment was only a few blocks away. She said that on her way to a detail she would run upstairs and grab her phone. She stated that sometimes she would go during her meal. Speaking sarcastically, she said she "loved" hearing, "Ma, I have no pampers. You couldn't tell me this last night? You couldn't tell me this this morning? Why do you have to wait while I'm at work? So I have to run and get them pampers or milk or baby wipes."

The Respondent denied she went home and had sex with [REDACTED] while working. She stated that she and Detective Steven Nieves had a professional relationship and denied having a personal relationship with him, Eddie Nieves, or anyone named Jeremy. She further denied having sexual relations, including oral sex, with anyone while she or they were on duty.

The Respondent said that she did not keep a record of when [REDACTED] was supposed to see Martinez. She asserted that she did not speak to Martinez until after [REDACTED] was arrested. When she called Martinez, he told her, "Well, I don't know if we're going to . . . violate him or not violate him."

The Respondent testified that on or around June 23, 2005, she and [REDACTED] had already broken up, and she noticed that some of her things were missing. She said she went downstairs and told him she knew he had some of "[her] shit" and she wanted it back, and they got into a "big, big fight." She admitted that she pushed [REDACTED]. She said that he pushed her but did not hit her. She agreed that [REDACTED] got into the middle of it and tried to break it up. She admitted that the incident was not reported.

The Respondent stated that after she and [REDACTED] broke up, he would show up every time she walked to work. She said she would see him as she walked to work, he would try to talk to

her, and she would tell him she had nothing to say to him. She stated that after he was arrested, she was scared and obtained an OOP, and he went up to her and told her IAB had just dropped him off and he would make a deal with her. [REDACTED] told her that if she took him back he would not tell them anything and would protect her. He added that they had stuff on her, including pictures of her and [REDACTED] drinking at the bar across the street. She "was like alright, I almost fell for it." She testified that [REDACTED] called her again, but she told him, "How could you do these things to me after everything I've done for you?" The Respondent estimated this was either September or October.

The Respondent said that the same night ACS visited, [REDACTED] called her several times from a pay telephone, but she did not pick up the phone or speak to him. She stated he then approached her son [REDACTED]. She went to the 9 Precinct Stationhouse and made a complaint of criminal contempt for violating the OOP by approaching [REDACTED] and saying he needed to talk to her because he had some information about IAB. She stated that he continued stalking her and calling the 7 Precinct describing her and what she was wearing when she was signed out and walking home, adding that she was drunk on the corner of Clinton and Ludlow Streets or Ludlow and Stanton Streets. She said [REDACTED] would call the stationhouse several times or would call 911 dispatch and they would send out a car, even though she was at home the whole time. She testified that she knew he made the 911 calls in the area of her block during September and October of 2005 because he described her and what she was wearing when he called the Desk. She acknowledged that [REDACTED] walked her to work several times prior to their breakup, and agreed they would sometimes meet to walk home, estimating that was about twice a week.

The Respondent agreed that she visited [REDACTED]'s father's home upstate in [REDACTED], New York. She stated that during the summer, everybody would go up there, including her grandson

[REDACTED] [REDACTED]'s son and grandson, and spend the weekend and hang out in the pool. She testified that on Memorial Day weekend, she, [REDACTED] [REDACTED]'s girlfriend, [REDACTED], [REDACTED]'s son [REDACTED], [REDACTED], and the adult children of the wife of [REDACTED]'s father were there. She estimated that [REDACTED] had a couple of acres of property. She agreed that she brought her service weapon with her and fired it. She said that they had target practice on the property and she was going to the range that Monday, so she brought it with her. She noted that they were licensed to have rifles because they hunted deer on their property. She admitted that [REDACTED] fired her service weapon. She did not recall whether [REDACTED] fired the weapon, but knew [REDACTED] did because he cleaned it out.

The Respondent denied threatening [REDACTED] with bodily harm if he cooperated with IAB. The Respondent denied ever threatening to "shoot [REDACTED]'s balls off." She denied that she ever shot at a picture of him. She was not sure whether the OOP she had against [REDACTED] forbade him from visiting his mother in the same building. She stated that her OOP said for [REDACTED] not to visit the Respondent or go near her home, but at that point the address he provided was his mother's apartment.

The Respondent admitted she took care of parking tickets for [REDACTED]. There was also a moving violation. The Respondent could not recall whether the moving violation and the parking summons were the only two incidents. She testified that she thought [REDACTED] asked her once for assistance, but she just gave him advice. She denied giving [REDACTED] a Patrolmen's Benevolent Association card when they were together, but admitted some of her PBA cards and mini-shields were missing during that year.

The Respondent denied that she had ever eaten at the Apollo, but stated she had it delivered to her apartment. She knew the location was off-limits in her precinct, but did not recall if she ever told [REDACTED] that. She admitted that she hung out at the bar at 218 Avenue A,

called 218A. She agreed that her cousin worked there but stated that they sold it, and that it was currently a gay bar.

The Respondent denied running any of [REDACTED] s friends in Department computer systems or asking anyone else to run their names. She further denied shoplifting at Pathmark or Duane Reade or telling [REDACTED] she would leave the Department for him.

The Respondent asserted [REDACTED] also stole from both her family and his family. She testified that he stole a digital camera and pawned things noting that she had seen the invoices and realized what he had taken. She stated that he took her camera, her grandson's jewelry, some videos, and a DVD from Blockbuster which he sold. She testified that some of it was his stepmother's jewelry, another camera, and his nephew [REDACTED]'s Game Boy system.

The Respondent said that she never witnessed [REDACTED] s drug problem nor did she realize that he had a drug problem until afterwards. She stated that she did not find out and did not understand why he took money from her when she supported him. She stated that her money started to disappear six or seven months into the relationship, and, at that point, [REDACTED] was on painkillers from the accident. She testified that he started with drugs from there, but denied knowing which drugs he used. She stated that [REDACTED] worked almost every day initially, and his accident must have been three to four months into the relationship. She agreed that he had the accident in January but did not work afterwards, which was when the Respondent really started supporting him. She denied that [REDACTED] used an illegal substance in her presence or in her home. She stated that he just used painkillers, but did not know what kind. She assumed it was prescription medication. She admitted that she had no idea [REDACTED] had been and was again a heroin addict.

The Respondent stated that she did not rent automobiles for [REDACTED] but they would rent them together and go places. She said that he would normally drive. She agreed that they often went out of state, and testified that her son was in boarding school in [REDACTED]. She stated that the week of April 22, 2005, they rented from Budget and visited her son in boarding school.

The Respondent said that she still spoke with [REDACTED]'s family members. She testified that she saw [REDACTED] but she had schizophrenia so the Respondent did not know what she was saying half of the time.

The Respondent denied that [REDACTED]'s friends hung out with her or that she had met any of his friends during their relationship.

The Respondent admitted that she purchased Nextel cell phones for both of them. She said that [REDACTED] made \$300 or \$400 worth of calls on one particular bill. She admitted that she never asked whom he called. She stated that when the bill came, she "flipped out [and] lost it."

Official Department Interview of the Respondent – November 15, 2006

In the second interview, also conducted by Codd-Perez and Chen, as well as Lieutenant Jerry Dowling, the Respondent stated that she was not aware of any relationship her daughter had with [REDACTED] until she learned that [REDACTED] was pregnant and then the subsequent arrest. She denied running his name in the Department computer.

The Respondent stated that she did not currently have food delivered from the Apollo, and estimated that the last time she did was a year and a half before the interview, during the time she was with [REDACTED]. She acknowledged that she knew the off-limits locations in the 7 Precinct, and that that restaurant was on the list. She reasoned that she lived in the [REDACTED] Precinct her whole life and had eaten there as a child, so she had it delivered because she had always

known about the restaurant and it was not like she had not heard about it until she became a police officer. She claimed not to know that the prohibition of frequenting the restaurant also encompassed ordering take out food. She denied ordering food from or frequenting the Apollo while she was on duty.

The Respondent agreed that she had a relationship with [REDACTED] prior to [REDACTED] and estimated that she had known [REDACTED] in the building eight or nine years, but asserted she did not know how long [REDACTED] had lived there. She testified that the first few years after they moved in, they would say hello and goodbye, but in 2001 the Respondent started at the Academy, and practically everyone knew because she did not own a car and walked around with her bag, uniform, and "Police Department City of New York" stitched on it. She said that she and [REDACTED] started talking, [REDACTED] asked her to take care of the summons for her. Also, in 2004, [REDACTED] had the baby and [REDACTED] babysat for her. She added that [REDACTED] ([REDACTED]'s son) came up to her apartment to play with the children. She added, however, that there were only two "people" per floor, so she and her neighbor knew each other "intimately."

She stated that her neighbors always asked for advice and she often felt like a "street lawyer." She said that they would ask her what to do and she would tell them to resolve it.

Regarding [REDACTED]'s summonses, the Respondent thought they were "highway" but did not know which law enforcement agency issued them. She told him he would have to pay it because there was nothing she could do. She testified that he was either driving from [REDACTED] to the Bronx, or vice versa, but she could not remember the circumstances. She stated that it could have been issued by MTA Bridges and Tunnels. She did not believe it was from the Department, because there was nothing that she could do about it, and [REDACTED] paid it. The Respondent

admitted that if it had been the Department she probably would have called in a favor to see if the summons could be taken care of, but that was "all hearsay."

The Respondent admitted that [REDACTED] s father (a different man than [REDACTED] had a habit of never moving his car, and would not move his car for alternate side parking. The Respondent alleged that she called the summons officers at the 7 Precinct, and they would take the summons out of the box, or not submit them. She mentioned calling Police Officer Teo or Police Officer Theresa Martinez on their personal telephones, and specifically asked them to pull the summons. She said she was pretty sure one of them was Theresa but admitted she was "kind of foggy" when it came to Teo. She admitted that she was not sure if Teo wrote one but remembered reaching out to him.

The Respondent believed that one time, Teo and Theresa called her to tell her they could only do one out of three summonses [REDACTED] s father received, as the others had already been submitted. She thought she took care of three or four summonses for [REDACTED] s father. She stated that out of the three he received on one occasion, only one was "taken care of." She testified that on two occasions, she did not bother, and told him that there was nothing she could do about it.

The Respondent agreed that she thanked Teo and Theresa in person when she saw them upon her return to work. She added that she would also call Teo and Theresa for advice, saying she had to go to court and asking the "gist" of giving testimony for a summons, for example, the best way to deal with the fact that a Traffic Enforcement Agent had told drivers they could turn even though the sign said they could not. She agreed that if they checked, her phone records and Teo's would show numerous calls, but most of them were for legitimate reasons and not related to the fixing of summonses.

The Respondent acknowledged that [REDACTED] and [REDACTED]'s father thanked her for taking care of the summonses for him. She denied that they gave her anything for taking care of the summonses.

The Respondent stated that [REDACTED] received a moving summons about three years before the interview in the confines of the 7 Precinct, and she remembered it because her father had just passed away. She said that her father passed away May 18, 2003. She testified that as she was heading to the funeral home, [REDACTED] stopped her and asked her to fix the summons for him.

The Respondent claimed that she did not recall what [REDACTED] looked like. [REDACTED] told her that he had received a ticket for an illegal left turn on Delancey and Essex Streets and asked if she could call someone.

The Respondent stated that she called an MOS at the stationhouse to take care of [REDACTED]'s summons, and gave the MOS the summons number. She stated that the MOS (someone other than Teo or Theresa) said he or she would take care of it and that was it. She stated that [REDACTED] did not have to pay the summons. When asked why she fixed the summons, she replied, "I don't know, I just did." She denied receiving any benefit for it. She would not call [REDACTED] friend, but he was more than an acquaintance. She testified that he lived in the building and when she saw him, she would say hi and ask what was going on and how work was. She thought [REDACTED] also received a parking summons in the 9 Precinct, but he ended up paying for that ticket.

The Respondent testified that in January 2004, a Department of Sanitation worker received an alternate-side summons from her. She stated that the worker went into the stationhouse and told her that he had just received the summons. She stated that she opened the summons box and took the worker's summons out. She denied that anyone was there when she took it out, but she was sure the Desk Officer was at the Desk. She remembered that no one

questioned or stopped her. She then admitted that she did it when the Desk Officer was not around, and was sure about that.

The Respondent said that there was a Sanitation garage near where she worked. The worker told her, “[L]isten, I’m working right here, I parked my car . . . can you take care of the summons, I just got it , you know I had . . . my vest folded on the window, we’re always there, we’re always working.” She said he thanked her and that was the end of it. She admitted that it did not “occur to [her]” to do a summons voidance form noting that he was a Sanitation worker and had been otherwise legally parked.

The Respondent stated that she never received “anything” for the tickets she had fixed.

The Respondent admitted that she currently knew that both [REDACTED] and [REDACTED] were Latin Kings, but claimed that she had not known previously.

The Respondent agreed that she went up to [REDACTED] a few times during the summer of 2005. She recounted Memorial Day weekend of 2005, when she brought her gun. She said that they had a shed and two poles with a poster, which was their homemade target practice. She denied there was anything else around, aside from the woods and the shed. She stated that if there were no woods one could probably see neighboring houses. She said it was “a forest like kind of thing,” but there was a Hasidic community half a mile up the road. She stated that there was a highway behind the house, possibly Route 17. The woods behind the house were deep, and the target was backed by open woods.

The Respondent said that she was with her son [REDACTED] the entire time and showed him what she did when she shot her gun. She stated that she remembered being told in the Academy that if there are curious children in the home, an officer could bring her firearm home, take it apart, explain the pieces to the children, put it together, and let them get a feel for it to end the

curiosity. She denied that her son waved the gun around or flailed it, but stated that he shot at the target. She further denied that she was afraid he might shoot himself in the foot, or shoot anyone else. She conceded that he had never shot a gun before and that he did not have a pistol license. She thought he was old enough to handle the firearm.

The Respondent said that [REDACTED]'s first reaction when he "grabbed" her gun was to hold it horizontally, like on television, because it was "cool," which made her crazy. She stated that she then gave him instructions. The Respondent then stated that he did not "grab" her gun. She explained to him that the horizontal was not the proper way to hold a gun, and that this was "disrespecting" her gun. She testified that she showed him the proper stance and method of shooting. She said that as soon as he was done, she took the gun away from him.

The Respondent believed she had a full magazine, meaning fifteen rounds, and one in the chamber. She admitted that her son fired all of it," just for him to get that whole feel." She remembered that she fired [REDACTED]'s rifle as well. She thought [REDACTED] fired off a magazine as well. She stated it was the only time she took her gun up there, and she did so because she wanted to practice before going to the range. She said she thought it would be an environment in which she would not put herself or her children in danger because she was around people who knew how to handle guns and rifles. The Respondent denied that [REDACTED] ever handled her gun. She testified that [REDACTED] took it apart and put it together for her. She said that [REDACTED] was shooting the rifles.

The Respondent admitted that she was out sick Memorial Day weekend in 2005. She admitted going sick when she was actually in [REDACTED], but used her [REDACTED] home as her sick address. She called the Medical Division, saying she had flu-like symptoms, but admitted that she did not actually have flu-like symptoms.

The Respondent said that the last time she went home on duty was prior to working at the Intelligence Division. She agreed she brought home diapers while on duty around April of 2006. She stated that she picked up diapers at the 99 Cent Store, Duane Reade, or Rite Aid in the confines of the 7 Precinct. She admitted knowing she was not supposed to shop on duty. She estimated that at least once a month her daughter or son called her up and told her they had no milk or juice or needed diapers and baby wipes.

The Respondent stated that [REDACTED] did not call her once they broke up and denied calling him. However, she testified that the last time he called her was while she and [REDACTED] were at the stationhouse making the complaint.

The Respondent asserted that she did not suspect [REDACTED] had a drug problem. She denied that any of her family members had suspicions or brought anything to her attention. When informed that [REDACTED] told ACS that she thought [REDACTED] was on drugs, the Respondent replied that, unfortunately, her daughter did not confide in her that way. She suggested that [REDACTED] might have made that statement because [REDACTED] was on prescription drugs. She admitted that she did not know what kind of drugs he was on, except that they were painkillers for his hand. The Respondent claimed that she did not know [REDACTED] had been arrested for drugs.

The Respondent said that she and [REDACTED] started having problems towards the end of April or during May of 2005. She testified that during the last six months of the relationship she realized that she sporadically had \$20 missing here and there from her bank statement. She stated that it started to escalate when her checks bounced. [REDACTED] said that maybe she was wrong, or had spent it without realizing what she spent it on. She agreed that he had access to her card and her PIN. She recalled calling up and putting \$500 in a cash advance towards a credit card,

but when the statement came in, all of that money had been depleted. She said that when [REDACTED] suggested that the children had done it, she knew it was really [REDACTED]

The Respondent's Case

The Respondent testified in her own behalf.

The Respondent

The Respondent testified that she joined the Police Academy in July 2001 and was part of the 9/11 class. After the academy, she was assigned to the 7 Precinct, at which point she was assigned various positions, including patrol, the CO's clerical office, and the 124 Room. She added that she "flew to a lot of details," including City Hall, Wall Street, and Critical Response Vehicles. She said that they did a lot of street fairs and anything that happened in Manhattan South. The Respondent testified that she "flew" to City Hall at least three times a week for three years, including the period when Councilman Davis was shot. She understood that they were looking for extra personnel to work at City Hall, so she submitted an application and was picked up almost immediately. She worked there until she was modified.

The Respondent testified that she was born and raised on the [REDACTED] of Manhattan and continued to reside there, on [REDACTED] between [REDACTED]². She estimated that she had lived at that residence seventeen or eighteen years. She stated that around late June or early July of 2004, she lived with her daughter [REDACTED], son [REDACTED] and [REDACTED]'s son [REDACTED]. [REDACTED] was born on January 7, 2004, and his father was [REDACTED]. She estimated that the apartment was approximately eight blocks away from the 7 Precinct Stationhouse where she worked. She stated that south of Houston Street is the 7 Precinct and north of Houston Street

² This area is now generally referred to as the [REDACTED].

is the 9 Precinct. She said that during the period in question, she walked to and from work in the 7 Precinct.

The Respondent stated that she started dating [REDACTED] during July of 2004. She testified that she met him in front of her building, where they were introduced by his brother, [REDACTED]

[REDACTED] The Respondent said that [REDACTED] lived on the third floor of the building, while she lived on the sixth floor. She stated that there are six floors in the building, with two apartments on each floor.

The Respondent asserted that the people in the neighborhood knew that she was an MOS. She stated that as she did not own a car, she took public transportation to and from the Academy, and needed to have her uniform and black bag on her person. Her jacket also sometimes had the Police Academy emblem on it. She said that cadets have to wear their uniform, which was how everyone in the neighborhood knew when she was in the Academy and when she graduated.

The Respondent testified that [REDACTED] had a very large extended family. She testified that she and [REDACTED] started dating initially, and then he sporadically lived with her. She stated that since they lived in the same building, [REDACTED] would stay in his mother's home when the Respondent was not home or worked overtime. She said that the relationship became a bit more serious after a few months, and though she was not sure how many nights [REDACTED] spent in her apartment, she asserted that he was never left there when she was not home. The Respondent briefly knew [REDACTED] [REDACTED]'s sister, before [REDACTED]. The Respondent had lived in the building for sixteen years, and [REDACTED]'s family moved in about eight years after her.

The Respondent stated that [REDACTED] knew where she worked at the time. She stated that he was working at that point, and they would leave the apartment together. She admitted that she did not know where he worked at that time, but knew he worked in construction. She stated that

he was not working when she first met him, and explained that when she said [REDACTED] got a job "rather quickly," she meant around two weeks after they met. The Respondent admitted that she did not realize [REDACTED]'s inability to find work could have been because he was on parole and a convicted felon. She was not sure how much money he made, but knew that he worked a "nine-to-five kind of job."

The Respondent stated that there came a time where [REDACTED] stopped working because he fell in the building, hurt himself, and ended up in a cast. She stated that she was walking down the stairs when he fell and hurt himself. [REDACTED] stopped working shortly after. She took care of the bills and paid [REDACTED]'s child support, helping in whatever way she could. The Respondent said that [REDACTED] had a child by another woman and estimated that she made two or three child support payments for him.

The Respondent testified that she got him a cell phone but never per se rented out a car for him. She explained that her son [REDACTED] was in a [REDACTED] school in [REDACTED] and she did not like to drive. She estimated that she had failed the Department driving qualification course at least four times since she joined the Department. She explained that she rented the car so that she could see her son at school. She stated that [REDACTED] would drive to [REDACTED] with the car she rented.

The Respondent asserted that she did not know why [REDACTED] could not get a cell phone or a credit line with a store, but she wanted to make it easier, so she volunteered and said, "I will extend my credit to you. I have a cell phone. I will just add another line."

The Respondent estimated that she went out with [REDACTED] for approximately eleven months. She testified that after supporting him for longer than she had expected, it started to become a financial burden for her. She stated that she was the only one working, and supported him, her

children, and her household. She said it started to take its toll, and she was frustrated because [REDACTED] could not find work because of his hand.

The Respondent testified that she would then notice that money was missing from her bank account. First, the Respondent said, she was \$20 short here and there, but then her checks bounced. She stated she was suspicious initially, but did not react until she made a huge payment on her credit card in front of [REDACTED]. Then received a statement the following month showing that her funds were totally depleted. She said that [REDACTED] had access to her ATM and credit cards. She stated that she had a desk where she left her credit card in a folder with the PIN. She said that [REDACTED] could easily get that information because he knew where it was. She denied that she ever authorized him to use her ATM card or gave him her PIN. She testified that when she confirmed that [REDACTED] was taking money from her, she broke up with him.

The Respondent agreed that her relationship with [REDACTED] started around July of 2004 and she broke up with him around April or May of 2005. She testified that he did not take the news of the breakup well, but was very upset and yelled. She said she ignored him and there were a few days of cooling down. She expected that that would be the end of it, but it was not.

The Respondent stated that [REDACTED] would wait for her downstairs in front of the building, because he knew her work schedule, and would walk with her to work uninvited. She stated that she would ignore him as she walked to work and he would follow her, trying to have a conversation. She testified that there came a point where he followed her more and more and she became concerned, so she brought it to her lieutenant's attention in the 7 Precinct. She stated that was on a Friday, and they were going to think about a way of handling it for the next few months, but that never happened.

The Respondent testified that shortly after she confided in her lieutenant, they had a conversation in front of the 7 Precinct Stationhouse. She stated that she discussed the case with the lieutenant and then went home after the end of her tour. She said she stayed upstairs for a few hours and then went downstairs, where [REDACTED] was waiting for her. She noted that she had changed her clothes by the time she went downstairs. She testified that everybody was very concerned. [REDACTED]'s girlfriend and [REDACTED] approached her saying that [REDACTED] had a gun and was going to kill her because he saw her talking to a man in front of the stationhouse, and described the clothes she had been wearing. She realized he had been watching her earlier that day.

The Respondent stated that she approached [REDACTED] and wanted to deal with it in a very civilized manner. She told him, "I don't want any problems. When people break up, they go their separate ways and they deal with it like adults. I am hoping that that's what we can do." She said that he had "tunnel vision," and did not want to hear it, and at that point she took his threats very seriously. She said it was not so much what [REDACTED] said, but "his look." She stated that [REDACTED] said, "I don't care, I don't," but she added there was a wild-eyed look in his face that she took seriously. The Respondent stated that, at that point, [REDACTED] approached her and said, "Listen, we are all leaving to go to upstate, we don't feel comfortable and safe leaving you here with him." She testified that [REDACTED] drove her to the 7 Precinct Stationhouse where the Respondent made the complaint.

The Respondent stated that she spoke to the Administrative Lieutenant, who took her information. She said that [REDACTED] was arrested a few hours later for stalking her. She testified that she was referred to the 7 Precinct Detective Squad in the interim.

The Respondent believed she wrote a statement the night [REDACTED] was arrested. The Respondent asserted that when [REDACTED] was arrested, she learned about his record from the

detectives, and had not known about it previously. She said that she could not process the whole notion that [REDACTED] was a felon, and they literally had to show her his whole record. She denied having any knowledge up until that time that [REDACTED] had a criminal record. She further denied that [REDACTED] had ever told her he had been in jail, been arrested, or committed any crimes. She refuted that [REDACTED] ever told her that he had been part of a gang or was involved in any gangs. She denied that any of his relatives ever told her that he had been in jail.

The Respondent said she became aware that she was the subject of an IAB investigation. She asserted that allegations had been made against her when [REDACTED] approached her son. By that time she had an Order of Protection, and they went to the stationhouse, where they reported it to IAB.

The Respondent stated that during her relationship with [REDACTED] her son [REDACTED] was in a [REDACTED] school for [REDACTED] in [REDACTED]. She said that he had [REDACTED] so severe that he read on a second- or third-grade reading level. The [REDACTED] school was part of [REDACTED]'s [REDACTED]
[REDACTED] It was a not a military academy.

The Respondent admitted that she was not sick May 27th to 30th of 2005 when she called in sick while in [REDACTED]. She testified that she went to [REDACTED] for Memorial Day weekend, and acknowledged bringing her firearm. She claimed that they "insist" in the Academy that if an officer has small children, those children should be able to handle the gun. However, it was not her practice to bring home her firearm, because she had children at home and there were tragedies all the time where children played with guns.

The Respondent described the [REDACTED] property as "huge." She said it was about seven to eight acres. It was wooded, and if one went into the backyard, all one could have seen was woods, and no neighbors. She testified that [REDACTED] (full name [REDACTED]), [REDACTED]'s father, and

[REDACTED] s wife lived there. She stated that they hunted and had rifles, rifle licenses, ammunition, nets, and tracking devices. She acknowledged that they fired weapons and shot at the target with their rifles while she was there. She described the target as a hanging wooden stump.

The Respondent stated that her son [REDACTED], who was sixteen at the time, fired her weapon when she handed it to him. She explained that she allowed [REDACTED] to fire her weapon then because he was an “inner-city child” and part of being cool in the inner city was looking and dressing like rap stars. She further explained that they thought guns were cool. She stated that she wanted to show her son that there was another side to handling a gun, including how to be responsible; she “didn’t want to glorify a gun to him.” She said that she wanted her son to see that it was serious. She said she thought that [REDACTED] was the perfect opportunity because she had been there before and had seen their target practice and how they were responsible with rifles, so she figured it would be a good place to teach her son, clean her weapon, and get ready for the range. The Respondent denied that her son had talked to her about firing a gun before he went up to [REDACTED] but had made little comments, relating to things he had seen on TV or in video games. There were shootings or gang activity in her neighborhood and her son was inquisitive about them.

The Respondent acknowledged that the first time her son had ever held her gun was in [REDACTED]. She stated that he fired a magazine, meaning fifteen rounds, plus one in the chamber. She stated that she supervised her son the whole time and never left his side. She testified that her son never “grabbed” her gun from her hand. She stated that she gave him her gun to hold so he could get a sense of it and feel it, and that was when he pointed it horizontally. She explained to him that was not a safe way of holding a gun. Then she let him shoot some rounds, reasoning, “You can’t let the kid hold it and not allow him to shoot a gun.” She said that

her son did not realize the effect of pulling the trigger, so he was taken aback by it. She added that he had a new respect for it afterwards. The Respondent testified that now, when her son talked about the firing or holding of guns to his friends, he did so in a positive way.

The Respondent stated that while there was an emotional component that came with [REDACTED]'s [REDACTED], as children with [REDACTED] tend to act out, his issues were more [REDACTED]. She denied that her son took any medication to help his condition. She further denied that [REDACTED] had been in any kind of trouble prior to her relationship with [REDACTED]. The Respondent argued that she “[did not] know how to build a clock, but [she could] tell time,” and just because her son had a [REDACTED] did not mean that he was not able to learn how to properly handle a gun.

The Respondent agreed that she allowed [REDACTED] to fire her gun, and estimated that he shot a box of 50 rounds. She stated that she was right next to him while he shot. She testified that he had a rifle license, and handled the gun perfectly. She stated that she had not seen anything in the Patrol Guide that made her think it was inappropriate to allow someone else, under those circumstances, to fire her weapon.

The Respondent denied that [REDACTED] asked to shoot her gun at [REDACTED]. She said that he neither shot nor held her gun.

The Respondent said that they were away from the house while shooting and had sufficient space around them. Their target led into the woods. She denied there was anything obstructing them or that endangered anyone. She stated that the area was bigger than the Trial Room. The woods were further away than the distance between the witness stand and the back wall of the Trial Room. She described the surface as grassy and flat, but it was not grassy once

one went into the woods. The woods were somewhat rocky, not to the point where one could not walk, but one had to watch where she was going.

The Respondent testified that her partner, Corpse, was at the time in charge of cleaning the locker room bathroom. The command's women would contribute money for cleaning supplies or other necessities like hairspray or gel. When Corpse went to the 99 Cent Store or Duane Reade, the Respondent would go in also and buy a gallon of milk, diapers, and baby wipes. She said she would call [REDACTED] and tell her to go down because the Respondent would have the things ready for her.

The Respondent agreed that she ran [REDACTED]'s name in the MDT. She testified that "basically the only reason" was to make sure that the child support was getting paid. She stated that by running a name, one can see whether his driver's license is suspended or whether he owes any child support. She denied that she could find out a person's criminal record the way she ran [REDACTED]'s name.

The Respondent admitted that there were at least three or four occasions where she attempted to "fix" a parking summons or get someone out of a summons that had already been written. Regarding Specifications 7, 9, and 10, she testified that [REDACTED], on behalf of her father, and [REDACTED] approached her to see if she could do something about the summonses because everyone knew that she was a police officer. She stated that she would call and say, "This summons was issued to someone that I know, can you take care of it?," but she did not know what they did after that. She said it was like calling in a favor, but admitted "you are really not supposed to do it kind of thing unless you get caught." She claimed that it was not like she got caught because she admitted it.

Regarding Specification 8, the Respondent stated that she issued a summons to a Sanitation employee's car, and believed it was for an alternate-side parking violation. She testified that she was "not really big on giving a working man a summons" because "you know, we all work for a living." She stated that he later walked into the stationhouse and said, "Listen, you know you gave my car a summons, can you take care of it?"

The Respondent conceded that what she should have done at that point was void the summons, which involves speaking to a supervisor. The Respondent agreed that an officer has discretion when giving a summons, but once the summons is written, she no longer has that discretion. She claimed, however, that she used her discretion not to give the Sanitation employee a ticket. She "took it upon [her]self" to take it out and destroy it. She stated that if he had approached her in the street before coming to the precinct, she would not have written the summons and testified that this could not have been inappropriate.

The Respondent denied knowing [REDACTED] had a criminal record before she had him arrested. She stated that there was no truth at all to the allegations made against her by [REDACTED] regarding shoplifting and hanging out with gangs. She said that, with respect to the summonses and calling in sick without actually being sick, she made a mistake. She stated that it was poor judgment, and she should never have made those mistakes, but she did.

On cross-examination, the Respondent agreed that she dated [REDACTED] for eleven months, from around July of 2004 until April or May of 2005. She knew, at the time she met [REDACTED] that he was working in construction. She denied knowing where [REDACTED] grew up or went to school. She further denied knowing what level of school he reached or if he had ever worked before she met him. She claimed not to know anything about what took place in [REDACTED]'s life before she met him other than the fact he had a child with another woman elsewhere in New York. She claimed

that she never met his friends, but said she met his father through him. She agreed that she visited [REDACTED]’s father in [REDACTED] and met his father’s wife. She stated that [REDACTED]’s child lived in a shelter but she did not know where. She said that the child visited him, also at [REDACTED]. She stated that [REDACTED] had two children that he “recognized” as being the father and another one where a paternity determination was pending. All three children had the same mother.

The Respondent admitted that she was good friends with [REDACTED] when she met [REDACTED]. [REDACTED] lived with her mother, [REDACTED] in the apartment on the third floor of the building. [REDACTED] used to babysit [REDACTED], the Respondent’s grandson by [REDACTED]. She admitted she grew closer to the family when she started dating [REDACTED], but denied having conversations about [REDACTED] with [REDACTED] during the course of their friendship. She further denied having any conversations with [REDACTED] about [REDACTED]. She also denied speaking with [REDACTED] about his life.

The Respondent testified that she and [REDACTED] did a lot of things together. During the course of her relationship with [REDACTED] she either opened up lines of credit, or gave him cards based on her credit, to Old Navy (owned by the Gap). She then admitted that she gave him PINs so he could take money out of an ATM from her account, but he always showed her the receipt. She acknowledged that one year she claimed [REDACTED] as a dependent on her income tax, but was unsure of whether it was 2004 or 2005. She acknowledged that she rented cars and allowed [REDACTED] to drive them, and made child support payments for him. She agreed that she essentially gave him money to live on.

The Respondent stated that [REDACTED] did not keep a lot of things in her apartment, but kept them in his brother’s apartment. She estimated that they lived together, i.e., where he spent most nights in her apartment, approximately six months. She agreed that he lived with her about half the time they dated. She acknowledged that he was living with her when they broke up. She

stated that it was not until the end of their relationship that she started to notice things that suggested he was stealing from her apartment. She said when she was missing money, she figured she had overlooked it.

The Respondent claimed that she was not aware [REDACTED] had a parole officer visiting his residence. She stated she was not aware of it until Martinez called her house. She agreed that [REDACTED] received medical treatment after he fell down and hurt himself in the building, and started taking codeine as a painkiller. She claimed she was not aware that [REDACTED] started abusing that codeine. She stated she was not aware he stole things from her residence and his mother's residence and pawned them to buy heroin until after he was arrested. The Respondent explained that [REDACTED] would steal things in such a way that she would think she must have misplaced them, because one minute they were there and the next he pawned them. She stated that he would do it "ever so lightly" and not often, so it looked like she misplaced the items.

The Respondent was aware [REDACTED] filed a lawsuit in connection with his falling down and injuring his wrist. She was with him when he fell. She denied informing him she would testify in his behalf in connection with the lawsuit if he paid her \$30,000. She stated that he said he was going to get a substantial amount of money, so she suggested that she wanted to be reimbursed for her prior support of him.

FINDINGS AND ANALYSIS

Specification No. 1

The first specification charges the Respondent with knowingly associating with [REDACTED] [REDACTED], a person reasonably believed to have engaged in criminal activity. Specifically, the Respondent is charged with living with and financially supporting [REDACTED], who had previously

been convicted of at least one felony and who was on parole for that conviction. The Respondent is found Guilty.

It is not disputed that [REDACTED] was a person who engaged in criminal activities. He had just gotten out of prison for a drug-related felony around July 2004, when he and the Respondent began dating. It is also not disputed that the Respondent lived with [REDACTED] and financially supported him. They lived together for about a year, and the Respondent claimed him as a dependent on her taxes. She also provided [REDACTED] with a phone account and opened lines of credit for him. What is disputed is whether the Respondent knew that [REDACTED] had a criminal background. In his interview with the IAB investigator, Codd-Perez, [REDACTED] asserted that he told the Respondent that he had been in prison, and stated that she knew he was on parole. In her official Department interviews, and at trial, the Respondent denied this.

The Court finds that the Respondent knew about [REDACTED]'s criminal background. This conclusion is supported by direct and circumstantial evidence.

The Department proved the Respondent's guilt through the direct evidence of [REDACTED]'s hearsay statements to Codd-Perez. The Court notes that generally, [REDACTED]'s criminal record has a negative effect on his credibility, see People v. Bermudez, 109 A.D.2d 674, 674-75 (1st Dept. 1985). [REDACTED] also made many unsubstantiated claims to Codd-Perez, such as his allegations that the Respondent was a habitual shoplifter or hung out with motorcycle gangs. However, the only fact this body is concerned with is whether the Respondent knew that [REDACTED] had a criminal record. In that regard, the Court credits [REDACTED]. See Matter of Ayala v. Ward, 170 A.D.2d 235 (1st Dept. 1991) (hearsay may constitute substantial evidence if it is sufficiently reliable and probative on the issues to be determined; here, record showed no bias or motive on part of officer's girlfriend or investigators, and by all criteria, girlfriend was reliable); Matter of

Grossman v. Kralik, 217 A.D.2d 625, 626 (2d Dept. 1995) (judge who saw court attendant fall asleep prepared full written memorandum; although this was hearsay, it was believable and highly probative, and was corroborated by other testimony at hearing).

Any discussion of [REDACTED]'s claim that the Respondent knew of his background must begin with the fact that the Respondent had an intimate relationship with [REDACTED] for almost a year. She lived with him and supported him financially. Acceptance of the Respondent's non-knowledge argument requires the Court to accept that the Respondent knew so little about [REDACTED] that she essentially knew nothing of his life notwithstanding their relationship. Several facts stand in opposition to the Respondent's claim.

The Respondent lived in the same, small, two-apartment-per-floor building as several members of [REDACTED]'s family for about eight years before she started dating [REDACTED]. Even if the Court credits the Respondent's statement that she was not really friends with [REDACTED], [REDACTED]'s sister, before they began dating, and even if [REDACTED]'s family never mentioned him around the Respondent before that time, this Court would have to accept that the Respondent, upon meeting an ostensibly new member of the [REDACTED] family, asked no questions about where he had come from or what he had been doing the past eight years. By the Respondent's own testimony, [REDACTED] was unemployed, apparently did not have a residence of his own, and was staying with his brother [REDACTED] and mother [REDACTED]. The Court cannot accept that the Respondent, a uniformed member of this Department, could have been so obtuse as not to ask a single question about what [REDACTED] was doing before he suddenly appeared in her life, with no job and no home.

In fact, the evidence demonstrates that the Respondent did inquire as to some parts of [REDACTED]'s life. She admitted that she checked a Mobile Digital Terminal to see if [REDACTED]'s driver's license had been suspended for failure to pay child support. She knew that he had at least two

young children, possibly three, with another woman. It is thus clear that the Respondent did know some important things about [REDACTED]. It is therefore unlikely that she did not find out that he had recently been released from incarceration.

Other evidence shows that the Respondent knew of [REDACTED]'s background. She mentioned in her first official Department interview that [REDACTED] got a construction job "right away," which, as Codd-Perez, pointed out, indicated that the Respondent knew he had not been employed before meeting her. Again, the Court finds that the Respondent would have inquired, in some small way, as to what he was doing with his life before meeting her. Additionally, in June 2005, after the Respondent ended her relationship, she gave a handwritten statement in connection with [REDACTED]'s stalking arrest. The Respondent said that [REDACTED] told her that "he was not going back to jail," and would kill her and himself if he had to. This threat would have little meaning to the Respondent if she had not known that he had been incarcerated.

Finally, the Court simply finds [REDACTED]'s account – that he told his girlfriend about his recent incarceration – more likely than the Respondent's claim that she knew nothing and asked nothing. To be frank, the Respondent's account is just contrary to human experience and, under all the circumstances of the case, not credible. Cf. Matter of Cottingham v. Kelly, 11 A.D.3d 285, 286 (1st Dept. 2004) (finding that officer knowingly associated with person she reasonably believed to engaged in criminal activity was supported by substantial evidence, particularly officer's own testimony in the investigation and at hearing). Accordingly, the Court finds the Respondent Guilty of Specification 1.

Specification No. 4

In the fourth specification, the Respondent is charged with failing to safeguard her service firearm, a 9-millimeter Glock, by allowing her 16-year-old son [REDACTED] and [REDACTED] [REDACTED]'s father, to fire it during the Memorial Day 2005 trip to [REDACTED]. The Respondent is found Guilty.

The relevant Patrol Guide section, 204-08 (7), states that members must “[s]afeguard weapons at all times.” The Respondent argues that she did not fail to safeguard her service pistol because she supervised [REDACTED] and [REDACTED] as they used it, and that [REDACTED] had prior shooting experience with rifles. The Court rejects this argument.

First, as to [REDACTED] experience with rifle shooting does not make one qualified to shoot a pistol. The Court concludes that the Patrol Guide does not permit a Department member to give a pistol, for the purposes of target practice, to any individual the Respondent deems competent, regardless of whether the member believes he has a “license” to own or shoot rifles upstate.

The Respondent’s act of giving her 16-year-old son [REDACTED] the gun is even more egregious. By the Respondent’s own admission, her son had a fascination with guns, fueled by the gang culture that surrounded him on the streets and the media. The fact that he first held the gun in the horizontal style demonstrates this. Furthermore, the Court rejects outright the Respondent’s claim that one of the reasons she allowed [REDACTED] to shoot her weapon was that she was taught in the Academy that if there are children in a member’s home, the member should allow her children to “get a feel for” the weapon. If anything, a member could show children the weapon, perhaps explain how it works, and then tell the children to never, ever, touch it. As with [REDACTED] the Court rejects the Respondent’s contention that because she supervised, she did not fail to safeguard the weapon she gave to her 16-year-old son for target practice. The Court is

shocked that the Respondent seems not to recognize the potential for tragedy generated by her actions.

Accordingly, the Respondent is found Guilty of Specification 4.

Specification No. 5

The fifth specification charges that the Respondent, “on several occasions between about July 2004 through June 2005,” left her assigned post or sector to conduct personal business. This relates to conduct the Respondent admitted to, specifically, that she would occasionally conduct personal shopping errands at drugstores and the like while on duty.

The Court dismisses this specification, however, because the statute of limitations for this misconduct expired prior to service of the Specification. Civil Service Law § 75 (4) states that no disciplinary proceeding shall be commenced against a public officer more than 18 months from the time of occurrence of the alleged misconduct. While the original Charges and Specifications were served on November 21, 2006, those six Specifications did not include the instant Specification. The original six related to the following: association with [REDACTED] falsely reporting as sick on Memorial Day weekend in 2005; allowing [REDACTED] and [REDACTED] to fire her weapon in [REDACTED] that weekend; and checking [REDACTED]’s name on a Department computer. The instant Specification, however, was contained in amended charges and specifications dated December 6, 2007, more than 18 months after June 2005. The Court rejects the Advocate’s argument that the admitted misconduct was part of a “course of conduct” relating back to the original charges. The only relationship is that the Respondent is responsible for all of the misconduct. Accordingly, Specification 5 is Dismissed as time-barred.

PENALTY

In order to determine an appropriate penalty, the Respondent's service record was examined. See Matter of Pell v. Board of Education, 34 N.Y.2d 222, 240 (1974). The Respondent was appointed to the Department on July 13, 2001. Information from her personnel folder that was considered in making this penalty recommendation is contained in the attached confidential memorandum.

The Respondent has been found Guilty of serious misconduct. Her counsel conceded that a penalty containing dismissal probation was appropriate. The Department argued, however, that the penalty should be termination.

Under the totality of the circumstances, the Court recommends that the Respondent be terminated. First, by her own admission, on at least three occasions, the Respondent asked police officers who had issued summonses to the Respondent's friends or acquaintances to "take care of" the tickets. The Respondent compared her actions to "kind of like you call in for a favor, but you are really not supposed to do it kind of thing unless you get caught." The Respondent claimed, however, that "I had already went ahead and admitted to doing something like that, so it's not like I got caught, I actually admitted to doing something." On one occasion, she decided to tear up a summons she had issued to a Sanitation Department employee when he came in and pleaded with her. The Respondent's misconduct regarding the summonses would alone constitute a basis for termination, especially where, as here, the Respondent seems to have a complete lack of insight into why her behavior was so wrong. Cf. Matter of Batista v. Kelly, 16 A.D.3d 182 (1st Dept. 2005) (rational to terminate probationary police officer who parked illegally while off duty, then tried to use his position to obtain favor from traffic enforcement agent).

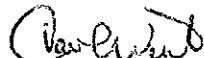
The Respondent's failure to safeguard her service weapon was egregious. The Court again emphasizes its dismay at the Respondent's lackadaisical attitude toward giving an untrained 16-year-old boy her gun for target practice. The Court is also shocked that the Respondent could have so misunderstood her training as to think that she was supposed to let her children fire her weapons. The Court finds that her actions with regard to her service pistol disqualify her from acting as a Police Officer, and thus warrant termination. See Disciplinary Case No. 69904/95 (nine-year member with no prior disciplinary record was terminated on guilty plea to, *inter alia*, failing to safeguard service firearm by allowing an unauthorized civilian to take possession of it, and two counts of discharging his service firearm numerous times without cause; Respondent got drunk at a Lower East Side bar, then drove to the Palisades Park Volunteer Ambulance Corps Building where he worked as a volunteer, fired his service firearm an unknown number of times inside the ambulance-corps building; a civilian friend then took possession of the weapon and took it home for safekeeping); *cf. Matter of O'Keefe v. Safir*, 275 A.D.2d 684 (1st Dept. 2000) (in light of seriousness and number of proven violations, including failure to safeguard weapon and associating with person reasonably believed to be a criminal, termination was justified).

Finally, the Respondent knowingly associated with [REDACTED] a person she reasonably believed to be involved in criminal activity. By its finding, this Court has also concluded that the Respondent was untruthful both at trial and during the official Department investigation about her relationship with [REDACTED]. As a result, the Court recommends termination. See Matter of Richardson v. Safir, 258 A.D.2d 328, 329 (1st Dept. 1999) (rejecting claim that termination was too harsh a penalty, in case where officer knowingly associated with person he reasonably

believed to be engaged in criminal activity, and gave false statements in official Department investigation).

In sum, the cumulative nature of the Respondent's misconduct leads the Court to conclude that she should not remain a Police Officer. As such, based on the totality of the circumstances, the Court recommends termination as a penalty for the misconduct. Cf. McKernan v. Safir, 292 A.D.2d 281 (1st Dept. 2002) (in a case where officer used Department computers to run license check regarding non-Department business on behalf of a person involved in criminal activity, termination did not shock the Appellate Division's sense of fairness, notwithstanding officer's prior medals, especially in light of fact that he also failed to safeguard his firearm off-duty, and had a prior disciplinary record).

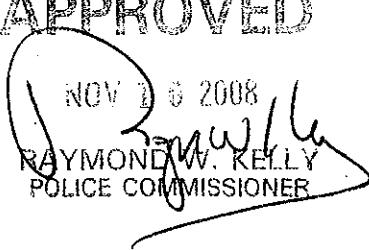
Respectfully submitted,



David S. Weisel

Assistant Deputy Commissioner – Trials

APPROVED



NOV 10 2008

RAYMOND W. KELLY
POLICE COMMISSIONER